

REMARKS

Claim Status

The claims in consideration are claims 1-10, 14 and 15. The independent claims are 1, 7, and 15. Claims 1, 7, 14, and 15 have been amended, and claims 13, 16, and 17 have been cancelled, without prejudice, by this amendment.

Information Disclosure Statement

The Examiner has requested copies of the foreign patent and other documents cited in Applicant's Information Disclosure Statement submitted on May 15, 2003. Applicant previously submitted these documents along with the IDS; however, for the Examiner's convenience, Applicant has enclosed an additional copy of each of these documents.

The Examiner has requested Applicant's cooperation in citing unrelated and irrelevant patents that were listed in the Applicant's IDS filed on May 15, 2003. The documents cited in the IDS were located in a prior art search. Applicant maintains that the documents cited in the IDS are relevant and part of his duty to disclose known information material to patentability under 37 C.F.R. §1.56. It is incumbent upon the Examiner to determine

whether or not they are relevant as to patentability. In any event, the Applicant acknowledges that United States Patent Nos. 3,333,271; 4,593,273; 4,782,463; 4,866,638; 5,021,976; 5,041,992; 5,115,501; 5,119,072; 5,121,477; 5,179,657; 5,428,827; 5,689,240; 5,714,932; 5,722,059; and 5,722,064 may not contain a description of a PBX, switch, telephony system, and contact center; however, in Applicant's effort to meet its duty under the patent regulations, the Applicant believes that these patents may be relevant and are cited for the Examiner's review. The Applicant does not take the number of documents he cites into consideration; rather, the Applicant cites all information known to him, which might be deemed material to patentability.

Claim Rejections - 35 U.S.C. §102

Claims 1-4 and 7-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,479,487 to Hammond (hereinafter "Hammond"). With regard to claims 1-2, and 15, the Examiner indicates that Hammond's call center 40 teaches Applicant's claimed switch. The Examiner later indicates "the combination of I/O devices 57, PBX interface 503 and work station interface 504 in FIG. 5" teach the Applicant's claimed "control

means for determining whether a particular agent station should be controlled by said PBX or said switch, and for allocating said control". This is just not so.

Hammond does not disclose switching between the call center 40 and the PBX 11. As indicated in FIG. 5 of Hammond, the call center 40 is not mutually exclusive of the PBX 11. Rather, the PBX 11 is directly linked to the call center 40. Any communication received by the Hammond system must pass through the call center 40 to get to the PBX 11. (See FIG. 5). This is not what the Applicant claims.

The Applicant claims a control means for determining whether a particular agent station is controlled by either the PBX or the switch. Further, the Applicant now claims "a PBX, for switching contacts within said contact center, and for controlling agent stations; a switch, for switching contacts within said contact center, and for controlling agent stations; **wherein the switch and the PBX are mutually exclusive with respect to controlling agent stations such that each of the agent stations is controlled by either the switch or the PBX at any given time.**" (Claim 1). The PBX and switch are mutually exclusive of each other. The claimed language is clearly shown in FIG. 4. Specifically, the public

network 480 is in direct communication with the PBX 401 and the call center application switch 402; however, the PBX 401 and the call center application switch 402 are mutually exclusive of each other. The agent stations are controlled by **either** the PBX 401 **or** the call center application switch 402. Specifically, the communication received at the public network is routed to **either** the PBX 401 **or** the call center application switch 402. (See FIG. 4 and the claimed language). This is claimed by the Applicant and is entirely different than Hammond. (See FIG. 5).

Reconsideration is respectfully requested.

As indicated by the Examiner, the remaining independent claims 7, 14 and 15 include the same limitation of controlling the agent stations by either the PBX or the call center application switch and connecting a communication to either the switch or PBX, therefore for the same reasons as discussed above with respect to claim 1, these claims are distinguished over Hammond. Further, the remaining claims depend from claim 1, 7, or 15 and are, therefore, distinguished over Hammond for the same reasons as discussed above.

Claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hammond. Reconsideration is respectfully requested.

Claims 5-6 depend directly from claim 1. Claim 1 was previously distinguished over Hammond. Once again, Hammond does not teach or make obvious a "a PBX, for switching contacts within said contact center, and for controlling agent stations;a switch, for switching contacts within said contact center, and for controlling agent stations; wherein the switch and the PBX are mutually exclusive with respect to controlling agent stations such that each of the agent stations is controlled by either the switch or the PBX at any given time" as claimed by the Applicant. For the reasons discussed above with respect to claim 1, claims 5-6 are distinguished over Hammond and reconsideration is respectfully requested.

Once again, the Examiner has stated that some of the features in claims 5 and 6 are obvious, old, and well-known features, without citing any relevant prior art. Once again, the Applicant respectfully disagrees. Unless the Examiner can support this position, the rejection is improper. The features in claims 5 and 6 are not obvious over Hammond when viewed in conjunction with the

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limitations of claim 1 for the reasons explained above.

The Examiner is invited to telephone the undersigned, Applicant's Attorney of Record, to facilitate advancement of the present application.

Respectfully submitted,

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